

1 June 1955

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : CIA Supergrade Structure

1. You have requested the comments of this office on the staff study concerning the above subject dated 12 May 1955. In view of the fact that this Agency is exempted by law from the provisions of the Classification Act, the Director has basic authority to create such supergrade positions or such other salary levels as he deems necessary for the functioning of the Agency. In view of this, this office sees no basic legal objection to the recommendations in the staff study.

2. It is suggested that the basic internal study of CIA, which is the justification for increasing the supergrade ceiling from 130 positions to 203, should not depend solely on adjusted comparisons with what other agencies are doing. The basic justification, i.e., the staff study, should, in my opinion, refer to the fact that classification and wage surveys indicate a certain number of positions bearing responsibilities at supergrade levels. The comparisons with other agencies might well be included as a one-page annex to such a study. It seems to me that this study, if adopted, is putting the Agency in a somewhat anomalous position in that quite often for other purposes we assert that our problems and personnel needs are unique in view of the unique functions of the Agency, but either to defend or justify a total number of positions in the supergrade levels, we simply rely on comparisons with other agencies.

3. With respect to paragraph 4f which relates to distribution of supergrade positions, it is again urged that the appropriate basis for determining distribution of positions within the Agency should be based on factual findings of those positions which have responsibilities in the supergrade level. In the study it appears that the sole justification is based on an arbitrary selection of standards of grade 13 through grade 15 positions and then in the final analysis, the distribution is then adjusted to reflect the fact that such a distribution would be inadequate, particularly with respect to the Office of the DCI. Therefore, in effect, it would seem that the basis for distribution has no meaning whatever and that the exercise is gone through to arrive at a previously determined result.

4. Certain of the comparisons are based on dollar figures since Foreign Service grades are not comparable to GS grades. It is suggested

that there appears to be every likelihood that there will be a basic adjustment in the GS schedule, and there is some probability of further adjustments in the supergrades by virtue of discussions concerning an executive pay bill for the Government. If these events occur, the figures utilized in the staff study will be out of date and it might be appropriate not to put our full justification on present figures which in all likelihood will be changed in the near future.

5. In addition to adjustment of salaries in the GS schedule, HR 6511, which we are informed represents the Administration's thinking, also repeals existing separate authorities for supergrade positions and brings them all together in one total. The bill continues the existing practice of requiring approval of grades 16 and 17 by the Civil Service Commission and grades 18s by the President. It is likely, therefore, that if this bill is approved, there will be certain adjustments in the distribution of supergrades within the Executive Branch. Therefore, it might be advisable to consider this new arrangement of supergrades which quite possibly will be at considerable variance with existing figures utilized in the attached staff study.

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/s/


Acting General Counsel

OGC/JSW:mm

2 - addressee

1 - subject (Personnel 3) ✓

1 - chrono

SECRET